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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,222	03/30/2004	Mikko Repka	KOLS.103PA	3853
7590 Hollingsworth & Funk, LLC Suite 125 8009 34th Avenue South Minneapolis, MN 55425			EXAMINER WONG, WILLIAM	
			ART UNIT	PAPER NUMBER
			2178	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/16/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/813,222

Applicant(s)

REPKA, MIKKO

Examiner

William Wong

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____  |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :10/08/2004, 07/01/2005 and 08/15/2005.

## DETAILED ACTION

This action is in response to the following communication: information disclosure statements filed on October 8, 2004, July 1, 2005 and August 15, 2005; application filed on March 30, 2004. Claims 1-22 are pending and have been examined.

### *Double Patenting*

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-22 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-14 of copending Application No. 11/052,420.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Information Disclosure Statement***

3. The information disclosure statements (IDS) submitted was filed on 10/08/2004, 07/01/2005 and 08/15/2005. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

### ***Specification***

4. The disclosure is objected to because of the following informalities:

- On page 3 line 34, WLAN should be spelled out with the abbreviation in parenthesis following.

Appropriate correction is required.

5. The use of the trademark BLUETOOTH has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

***Claim Objections***

6. Claims 2, 10, 12, 14, and 21 are objected to because of the following informalities:

- As per claim 2, there is lack of antecedent basis for "the location" in line 17 because the phrase was not previously recited.
- As per claim 10, there is lack of antecedent basis for "the detected one or more touches on the given block indicated by the touch screen" because the phrase was not previously recited in the claim or the claims that it references.
- As per claim 12, there is lack of antecedent basis for "the location" in line 34 because the phrase was not previously recited.
- As per claim 14, there is lack of antecedent basis for "the location" in line 14 because the phrase was not previously recited.
- As per claim 21, there is lack of antecedent basis for "the location" in line 16 because the phrase was not previously recited.

Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 13-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per claims 13-19, unless combined with functional descriptive material on a computer-readable medium, the graphical user interface claims are directed to nonstatutory nonfunctional descriptive material.

As per claims 20-21, unless structurally and functionally interrelated to some computer-readable medium to realize its functionality, the computer program product claims are considered nonstatutory functional descriptive material.

### ***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-2 and 4-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Fitzmaurice et al. (US 2004/0141010 A1).

As per independent claim 1, Fitzmaurice teaches **a method of navigating in application views of an electronic device, the electronic device comprising a display for showing application views and an input device (in paragraph 57 and figures 21-23), the method comprising: displaying an initial application view on the display (in paragraph 32 and figure 23; *underlying image*); providing a floatable navigation area displayed at least partly over the application views on the display**

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(in paragraph 32, *underlying image*), the floatable navigation area comprising navigation blocks for controlling given software functions (in paragraph 32-34); detecting a selection of a given navigation block indicated by the input device (in paragraphs 32 and 33); performing software functions associated with the selected navigation block once the selection of said navigation block is detected (in paragraphs 32 and 33); and displaying a current application view on the basis of the performed software functions (in paragraphs 32 and 33).

As per claim 2, the rejection of claim 1 is incorporated and Fitzmaurice further teaches providing a control block in the floatable navigation area for changing the location of the floatable navigation area (in paragraphs 40 and 46-47), and changing the location of the floatable navigation area on the basis of detected control commands from the control block (in paragraphs 40 and 46-47).

As per claim 4, the rejection of claim 1 is incorporated and Fitzmaurice further teaches the step of performing software functions comprising scrolling the initial application view horizontally or vertically to produce a current application view (in paragraph 32).

As per claim 5, the rejection of claim 1 is incorporated and Fitzmaurice further teaches the step of performing software functions comprising zooming in to or out of the initial application view to produce the current application view (in paragraph 33).

As per claim 6, the rejection of claim 1 is incorporated and Fitzmaurice further teaches displaying the floatable navigation area semi-transparently over an



**application view** (in paragraphs 31 and 37).

As per claim 7, the rejection of claim 1 is incorporated and Fitzmaurice further teaches **displaying outlines of the floatable navigation area over the application views** (in paragraph 31-32).

As per claim 8, the rejection of claim 1 is incorporated and Fitzmaurice further teaches **displaying outlines of the navigation blocks over the application views** (in paragraphs 31-32).

As per claim 9, the rejection of claim 1 is incorporated and Fitzmaurice further teaches **wherein the input device comprises a touch screen** (in paragraph 31) **and the step of detecting the selection of a given navigation block comprises detecting one or more touches on the given navigation block indicated by the touch screen** (in paragraphs 32 and 33).

As per claim 10, the rejection of claim 8 is incorporated and Fitzmaurice further teaches **the step of performing the software functions being based on the detected one or more touches on the given navigation block indicated by the touch screen** (in paragraphs 32 and 33).

As per independent claim 11, Fitzmaurice teaches **an electronic device for navigating in application views, the electronic device comprising a control unit for controlling functions of the electronic device, a display for showing application views coupled to the control unit, and an input device for giving control commands for navigating, coupled to the control unit** (in paragraph 57-58 and figures 21-23), **the control unit being configured to: display an initial**

**application view on the display** (in paragraph 32 and figure 23; *underlying image*); **provide a floatable navigation area displayed at least partly over the application views on the display** (in paragraph 32, *underlying image*), **the floatable navigation area comprising navigation blocks for controlling given software functions** (in paragraph 32-34); **detect a selection of a given navigation block indicated by the input device** (in paragraphs 32 and 33); **perform software functions associated with the selected navigation block once the selection of said navigation block is detected** (in paragraphs 32 and 33); **and display a current application view on the basis of the performed software functions** (in paragraphs 32 and 33).

As per claim 12, the rejection of claim 11 is incorporated and Fitzmaurice further teaches **wherein the control unit is further configured to provide a control block in the floatable navigation area for changing the location of the floatable navigation area** (in paragraphs 40 and 46-47); **and change the location of the floatable navigation area on the basis of detected control commands from the control block** (in paragraphs 40 and 46-47).

As per independent claim 13, Fitzmaurice teaches **a graphical user interface for navigating in application views shown on a display of an electronic device** (in paragraph 31 and 57), **the graphical user interface comprising: an initial application view displayed on the display** (in paragraph 32 and figure 23; *underlying image*); **a floatable navigation area displayed at least partly over the application view** (in paragraph 32, *underlying image*), **the floatable navigation area comprising navigation blocks for controlling given software functions** (in paragraph 32-34);

**and a current application view displayed on the display on the basis of performed software functions associated with a detected selected navigation block (in paragraphs 32 and 33).**

As per claim 14, the rejection of claim 13 is incorporated and Fitzmaurice further teaches **a control block in the floatable navigation area for changing the location of the floatable navigation area on the basis of detected control commands from the control block (in paragraphs 46-47).**

As per claim 15, the rejection of claim 13 is incorporated and Fitzmaurice further teaches **wherein a current application view is produced by the software functions scrolling the initial application view horizontally or vertically (in paragraph 32).**

As per claim 16, the rejection of claim 13 is incorporated and Fitzmaurice further teaches **wherein the current application view is produced by the software functions zooming in to or out of the initial application view (in paragraph 33).**

As per claim 17, the rejection of claim 13 is incorporated and Fitzmaurice further teaches **wherein the floatable navigation area is displayed semi-transparently over the application views (in paragraphs 31 and 37).**

As per claim 18, the rejection of claim 13 is incorporated and Fitzmaurice further teaches **wherein outlines of the floatable navigation area are displayed over the application views (in paragraphs 31-32).**

As per claim 19, the rejection of claim 13 is incorporated and Fitzmaurice further teaches **wherein outlines of the navigation blocks are displayed over the application views (in paragraphs 31-32).**

As per independent claim 20, Fitzmaurice teaches **computer program product encoding a computer process for providing navigating in an application view of an electronic device** (in paragraph 57 and figures 21-23; a computer program product encoding the process is inherent in order for the computer/device to be capable of performing the process), **the computer process comprising: displaying an initial application view on a display** (in paragraph 32 and figure 23; *underlying image*); **providing a floatable navigation area displayed at least partly over the application views on the display** (in paragraph 32, *underlying image*), **the floatable navigation area comprising navigation blocks for controlling given software functions** (in paragraph 32-34); **detecting a selection of a given navigation block** (in paragraphs 32 and 33); **performing software functions associated with the selected navigation block once the selection of said navigation block is detected** (in paragraphs 32 and 33); and **displaying a current application view on the basis of the performed software functions** (in paragraphs 32 and 33).

As per claim 21, the rejection of claim 20 is incorporated and Fitzmaurice further teaches **performing the functions of providing a control block in the floatable navigation area for changing the location of the floatable navigation area** (in paragraphs 40 and 46-47); and **changing the location of the floatable navigation area on the basis of detected control commands from the control block** (in paragraphs 40 and 46-47).

As per independent claim 22, Fitzmaurice teaches **an electronic device for navigating in application views, the electronic device comprising controlling**

**means for controlling functions of the electronic device** (in paragraph 57 and figures 21-23), **displaying means for showing application views** (in paragraph 57 and figures 21-23), and **input means for giving control commands for navigating** (in paragraph 57 and figures 21-23), **the controlling means being further configured to: display an initial application view on a display** (in paragraph 32 and figure 23; *underlying image*); **provide a floatable navigation area displayed at least partly over the application views on the display** (in paragraph 32, *underlying image*), **the floatable navigation area comprising navigation blocks for controlling given software functions** (in paragraph 32-34); **detect a selection of a given navigation block indicated by the input means** (in paragraphs 32 and 33); **perform software functions associated with the selected navigation block once the selection of said navigation block is detected** (in paragraphs 32 and 33); and **display a current application view on the basis of the performed software functions** (in paragraphs 32 and 33).

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzmaurice et al. (US 2004/0141010 A1) in view of Beaton et al. (US 6,037,937).

As per claim 3, the rejection of claim 1 is incorporated, but Fitzmaurice does not specifically teach **providing the floatable navigation area when the initial application view is opened in the display**. However, Beaton teaches providing a floatable navigation area when an initial application view is opened in a display (in column 2 lines 24-30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Fitzmaurice with the method of Beaton for the purpose of indicating to the user that the navigation area is used to navigate the application view.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 4991022 A	Apparatus and a method for automatically centering a video zoom and pan display	Canfield; Barth A. et al.
US 5655094 A	Pop up scroll bar	Cline; Troy Lee et al.
US 5664132 A	Directional actuator for electronic media navigation	Smith; Derek K. W.
US 5745116 A	Intuitive gesture-based graphical user interface	Pisutha-Arnond; Suthirug Num
US 5883626 A	Docking and floating menu/tool bar	Glaser; Howard Justin et al.
US 5912669 A	Screen navigation method	Hsia; Hanna
US 6144920 A	Map displaying apparatus	Mikame; Masami
US 20010009428 A1	Appliance and method for navigating among multiple captured images and functional menus	Dow, James C. et al.
US 20020069415 A1	User interface and navigator for interactive television	Humbard, Charles et al.
US 6633310 B1	Switchably translucent and opaque graphical user interface elements	Andrew; Felix G. T. I. et al.

US 20040135824 A1	Tracking menus, system and method	Fitzmaurice, George William
	Method of indicating loading status of application views, electronic device and computer program	
US 20050223341 A1	product	Repka, Mikko

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Wong whose telephone number is 571-270-1399. The examiner can normally be reached on M-F 7:30-5:00 EST with every other Friday 7:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



William Wong  
Patent Examiner



STEPHEN HONG  
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